

Message Text

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TAGS: PLOS

SUBJECT: LOS: FRANCO-SPANISH TREATY TEXT

FOLLOWING IS TEXT OF TREATY BETWEEN FRANCE AND SPAIN REGARDING MOROCCO DATED NOVEMBER 27, 1912 (TEXT FROM AJIL SUPPLEMENT, VOL 7, 1913).

BEGIN TEXT: PREAMBLE

THE PRESIDENT OF THE FRENCH REPUBLIC AND HIS MAJESTY THE KING OF SPAIN;
DESIROUS OF DETERMINING THE RESPECTIVE POSITIONS OF FRANCE AND SPAIN AS REGARDS THE SHEREEFIAN EMPIRE,
CONSIDERING MOREOVER THAT THE PRESENT TREATY OFFERS THEM A PROPITIOUS-OPPORTUNITY TO DECLARE THEIR SENTIMENTS OF
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MUTUAL FRIENDSHIP AND THEIR DESIRE TO COME TO AN AGREEMENT AS TO THEIR INTERESTS IN MOROCCO;
HAVE AGREED UPON THE FOLLOWING PROVISIONS;

ARTICLE 1. THE GOVERNMENT OF THE FRENCH REPUBLIC RECOGNIZES THAT, IN THE SPANISH ZONE OF INFLUENCE, SPAIN HAS THE RIGHT TO MAINTAIN PEACE IN THE SAID ZONE AND TO ASSIST THE MOROCCAN GOVERNMENT IN INTRODUCING ALL THE ADMINISTRATIVE, ECONOMIC, FINANCIAL, JUDICIAL AND MILITARY REFORMS WHICH IT REQUIRES, AS WELL AS SUCH NEW REGULATIONS AND CHANGES

IN EXISTING REGULATIONS WHICH MAY BE NECESSITATED BY THESE REFORMS, IN CONFORMITY WITH THE FRANCO-ENGLISH DECLARATION OF APRIL 8, 1904, AND THE FRANCO-GERMAN AGREEMENT OF NOVEMBER 4, 1911.

THE REGIONS INCLUDED IN THE ZONE OF INFLUENCE DETERMINED BY ARTICLE 2 WILL REMAIN UNDER THE CIVIL AND RELIGIOUS AUTHORITY OF THE SULTAN, ACCORDING TO THE PROVISIONS OF THE PRESENT AGREEMENT.

THESE REGIONS WILL BE GOVERNED BY A CALIPH, UNDER THE SUPERVISION OF A SPANISH HIGH COMMISSIONER, WHICH CALIPH SHALL BE CHOSEN BY THE SULTAN FROM TWO CANDIDATES PROPOSED BY THE SPANISH GOVERNMENT. THE CALIPH SHALL NOT EXERCISE HIS FUNCTIONS OR BE DEPRIVED OF THEM WITHOUT THE CONSENT OF THE SPANISH GOVERNMENT.

THE CALIPH WILL RESIDE IN THE SPANISH ZONE OF INFLUENCE AND ORDINARILY AT TETUAN; HE SHALL BE PROVIDED WITH A GENERAL DELEGATION OF POWER BY THE SULTAN, BY VIRTUE OF WHICH HE SHALL EXERCISE THE RIGHTS BELONGING TO THE SULTAN.

THIS DELEGATION OF POWER WILL BE PERMANENT IN CHARACTER. IN CASE OF A VACANCY, THE FUNCTIONS OF THE CALIPH WILL BE PROVISIONALLY PERFORMED BY THE PASHA OF TETUAN EX OFFICIO. THE ACTS OF THE MOROCCAN AUTHORITY IN THE SPANISH ZONE OF INFLUENCE WILL BE UNDER THE CONTROL OF THE SPANISH HIGH COMMISSIONER AND HIS AGENTS. THE HIGH COMMISSIONER WILL BE THE ONLY INTERMEDIARY IN THE INTERCOURSE WHICH THE CALIPH, AS DEPUTY OF THE IMPERIAL AUTHORITY IN THE SPANISH ZONE, MAY HAVE WITH FOREIGN OFFICIAL AGENTS, WITH THE UNDERSTANDING THAT ARTICLE 5 OF THE FRANCO-SHEREEFIAN TREATY OF MARCH 30, 1912, SHALL NOT BE INFRINGED.

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THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN WILL SEE TO THE OBSERVANCE OF THE TREATIES, ESPECIALLY THE ECONOMIC AND COMMERCIAL CLAUSES CONTAINED IN THE FRANCO-GERMAN AGREEMENT OF NOVEMBER 4, 1911.

THE SHEREEFIAN GOVERNMENT WILL BE HELD IN NO WAY RESPONSIBLE IN THE MATTER OF CLAIMS BROUGHT ABOUT BY ACTS COMMITTED UNDER THE ADMINISTRATION OF THE CALIPH IN THE SPANISH ZONE OF INFLUENCE.

ARTICLE 2.

IN THE NORTHERN PART OF MOROCCO THE BOUNDARY BETWEEN THE SPANISH AND FRENCH SPHERES OF INFLUENCE WILL BEGIN AT THE MOUTH OF THE MULUYA AND EXTEND UP THE CHANNEL OF THAT

RIVER TO A POINT ONE KILOMETER BELOW MECHRA-KLILA. FROM THIS POINT THE LINE OF DEMARKATION WILL FOLLOW THAT FIXED BY ARTICLE 2 OF THE CONVENTION OF OCTOBER 3, 1904, AS FAR AS JEBEL BENI HASSAN.

IN CASE THE MIXED BOUNDARY COMMISSION PROVIDED FOR BY PARAGRAPH 1 OF ARTICLE 4 (BELOW) SHOULD ASCERTAIN THAT

THE MARABOUT OF SIDI-MAAROUF BELONGS TO THE SOUTHERN SECTION OF THE BENI BUYAHI, THAT POINT SHALL BE INCLUDED IN THE FRENCH ZONE. HOWEVER, THE LINE OF DEMARKATION BETWEEN THE TWO ZONES AFTER HAVING INCLUDED THE SAID MARABOUT, WILL NOT PASS IT AT MORE THAN ONE KILOMETER ON THE NORTH OR AT MORE THAN TWO KILOMETERS ON THE WEST IN REJOINING THE LINE OF DEMARKATION AS FIXED IN THE PRECEDING PARAGRAPH.

FROM JEBEL BENI HASSAN THE BOUNDARY WILL MEET THE RIVER WERGHA NORTH OF THE JEMA OF THE CHEURFA TAFRAOUT, ABOVE THE BEND OF THE RIVER. THENCE, EXTENDING WESTWARD, IT WILL FOLLOW THE LINE OF THE HEIGHTS RISING FROM THE RIGHT BANK OF THE RIVER WERGHA AS FAR AS ITS INTERSECTION WITH THE NORTH AND SOUTH LINE DESCRIBED IN ARTICLE 2 OF THE CONVENTION OF 1904. IN FOLLOWING THIS COURSE, THE BOUNDARY WILL KEEP AS CLOSE AS POSSIBLE TO THE NORTHERN LIMITS OF THE RIPARIAN TRIBES OF THE RIVER WERGHA AND THE SOUTHERN LIMITS OF THE TRIBES THAT ARE NOT RIPARIAN, ASSURING UNINTERRUPTED MILITARY COMMUNICATION BETWEEN THE DIFFERENT REGIONS OF THE SPANISH ZONE. IT WILL THEN EXTEND IN A NORTHERLY DIRECTION, KEEPING AT LEAST 25 UNCLASSIFIED

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KILOMETERS TO THE EAST OF THE ROAD BETWEEN FEZ AND EL-KSAR EL KEBIR VIA WAZZAN UNTIL IT REACHES THE RIVER LOUKKOS; WHOSE CHANNEL IT WILL FOLLOW DOWN-STREAM TO THE BOUNDARY BETWEEN THE TRIBES OF SARSAR AND TLIG. FROM THIS POINT IT WILL ROUND JEBEL GHANI, LEAVING THIS MOUNTAIN IN THE SPANISH ZONE, WITH THE UNDERSTANDING THAT NO PERMANENT FORTIFICATIONS WILL BE CONSTRUCTED THERE. FINALLY, THE BOUNDARY WILL EXTEND TO THE 35TH PARALLEL OF NORTH LATITUDE BETWEEN THE DOUAR OF MGARYA AND THE MARYA OF SIDI SLAMA, AND WILL FOLLOW THIS PARALLEL TO THE SEA.

IN THE NORTHERN PART OF MOROCCO THE BOUNDARY BETWEEN THE FRENCH AND THE SPANISH ZONES WILL BE MARKED BY THE CHANNEL OF THE RIVER DRAA, WHICH IT WILL FOLLOW UP-STREAM FROM THE SEA TO ITS JUNCTURE WITH THE 11TH MERIDIAN WEST OF PARIS. IT WILL FOLLOW THIS MERIDIAN SOUTHWARD TO ITS JUNCTURE WITH THE PARALLEL 27 DEGREES 40 MINUTES NORTH LATITUDE. SOUTH OF THIS PARALLEL ARTICLES 5 AND 6 OF THE CONVENTION OF OCTOBER 3, 1904 WILL REMAIN EFFECTIVE. THE MOROCCAN TERRITORIES SITUATED TO THE NORTH AND EAST OF THE LIMITS FIXED IN THIS PARAGRAPH WILL BELONG TO THE FRENCH ZONE.

ARTICLE 3.

THE MOROCCAN GOVERNMENT HAVING, BY ARTICLE 8 OF THE TREATY OF APRIL 20, 1860, GRANTED TO SPAIN A (FISHING) STATION AT SANTA-CRUZ DE MAR PEQUENA (IFNI), IT IS UNDERSTOOD THAT THIS STATION WILL HAVE THE FOLLOWING BOUNDARY:

ON THE NORTH THE RIVER BOU SEDRA FROM ITS MOUTH ON THE SOUTH THE RIVER NOUN FROM ITS MOUTH; ON THE EAST A LINE APPROXIMATELY 25 KILOMETERS DISTANT FROM THE COAST.' 7

ARTICLE 4.

A TECHNICAL COMMISSION, THE MEMBERS OF WHICH SHALL BE APPOINTED BY THE FRENCH AND SPANISH GOVERNMENTS, EACH APPOINTING THE SAME NUMBER, WILL FIX THE EXACT LINES OF DELIMITATION SPECIFIED IN THE PRECEDING ARTICLES. IN PERFORMING ITS WORK THE COMMISSION MAY TAKE INTO ACCOUNT NOT ONLY TOPOGRAPHICAL VARIATIONS, BUT ALSO LOCAL CONTINGENCIES.

THE REPORTS OF THE COMMISSION WILL NOT BE EFFECTIVE UNTIL UNCLASSIFIED

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THEY ARE RATIFIED BY THE TWO GOVERNMENTS. NEVERTHELESS, THE WORK OF THE COMMISSION, AS ABOVE PROVIDED FOR, WILL NOT PREVENT SPAIN FROM TAKING IMMEDIATE POSSESSION OF ITS STATION AT IFNI.

ARTICLE 5.

SPAIN BINDS ITSELF NOT TO TRANSFER OR RELINQUISH IN ANY MANNER, EVEN TEMPORARILY, ITS RIGHTS AS TO THE WHOLE OR ANY PART OF THE TERRITORY COMPOSING ITS ZONE OF INFLUENCE.

ARTICLE 6.

IN ORDER TO ASSURE FREE PASSAGE IN THE STRAITS OF GIBRALTAR, THE TWO GOVERNMENTS AGREE NOT TO ALLOW THE CONSTRUCTION OF FORTIFICATIONS OR STRATEGIC WORKS OF ANY KIND ON THAT PORTION OF THE MOROCCAN COAST REFERRED TO IN ARTICLE 7 OF THE FRANCO-ENGLISH DECLARATION OF APRIL 8, 1904, AND IN ARTICLE 14 OF THE FRANCO-SPANISH CONVENTION OF OCTOBER 3RD OF THE SAME YEAR, AND INCLUDED IN THE RESPECTIVE SPHERES OF INFLUENCE.

ARTICLE 7.

THE CITY OF TANGIER AND ITS OUTSKIRTS WILL BE PROVIDED WITH A SPECIAL GOVERNMENT, WHICH WILL BE DETERMINED HEREAFTER; THEY WILL FORM A ZONE INCLUDED WITHIN THE FOLLOWING DESCRIBED LIMITS:

-
STARTING FROM PUNTA ALTARES ON THE SOUTHERN COAST OF THE STRAITS OF GIBRALTAR, THE BOUNDARY WILL EXTEND IN A STRAIGHT LINE ALONG THE CREST OF J-BEITUM ON THE ELST, KEEPING THE VILLAGE CALLED DZAR-EZ-ZEITUM ON THE WEST, AND WILL THEN FOLLOW THE BOUNDARY LINE BETWEEN THE FAHS

ON THE ONE SIDE AND THE TRIBES OF ANJERA AND OF WED RAS
ON THE OTHER SIDE, TO ITS JUNCTURE WITH THE RIVER ES
SEGHIR. THENCE, THE BOUNDARY WILL FOLLOW THE CHANNEL
OF THE RIVER ES SEGHIR, THEN THE CHANNELS OF THE RIVERS
M'HARHAR AND TZAHADARTZ TO THE SEA.
ALL IN CONFORMITY WITH THE LINES INDICATED ON THE MAP OF

THE SPANISH STAFF-OFFICE, ENTITLED: "CROQUIS DEL IMPERIO
DE MARRUECOS" DRAWN TO THE SCALE OF 1.100.000, EDITION OF
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ARTICLE 8.
THE CONSULATES, SCHOOLS AND ALL THE FRENCH AND SPANISH
ESTABLISHMENTS NOW EXISTING IN MOROCCO WILL BE MAINTAINED.
THE TWO GOVERNMENTS BIND THEMSELVES TO SEE THAT EVERY FORM
OF RELIGION EXISTING IN MOROCCO SHALL HAVE FREEDOM OF
WORSHIP.
THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN, SO FAR AS
IT IS CONCERNED, WILL SEE TO IT THAT THE RELIGIOUS
PRIVILEGES AT PRESENT ENJOYED BY THE SPANISH CLERGY,
REGULAR AND SECULAR, SHALL NOT EXIST IN THE FRENCH ZONE.
NEVERTHELESS, THE SPANISH MISSIONS IN THAT ZONE SHALL
KEEP THEIR ESTABLISHMENTS AND SUCH PROPERTIES AS THEY NOW
HOLD, BUT THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN
WILL NOT CONTEND THAT MONKS OF FRENCH NATIONALITY MAY NOT
BE AFFECTED. WHATEVER NEW ESTABLISHMENTS THESE MISSIONS
MAY FOUND WILL BE ENTRUSTED TO FRENCH MONKS.

ARTICLE 9.
AS LONG AS THE RAILROAD FROM TANGIER TO FEZ REMAINS UN-
CONSTRUCTED, THERE SHALL BE NO RESTRAINT TO THE PASSAGE OF
PROVISION CONVOYS INTENDED FOR THE MAGHZENS, NOR TO THE
TRAVELLING OF SHEREEFIAN OFFICIALS OR FOREIGNERS BETWEEN
FEZ AND TANGIER, IN EITHER DIRECTION, NOR TO THE PASSAGE
OF THEIR ESCORT, OF THEIR ARMS AND BAGGAGE, IT BEING
UNDERSTOOD THAT THE AUTHORITIES OF THE ZONE THAT IS BEING
TRAVERSED SHALL BE ADVISED IN ADVANCE. NO TAX OR ANY
SPECIAL TOLL MAY BE LEVIED FOR SUCH PASSAGE.
AFTER ITS CONSTRUCTION THE RAILROAD BETWEEN TANGIER TO
FEZ CAN BE USED FOR SUCH TRANSPORTATION.

ARTICLE 10.
THE IMPOSTS AND RESOURCES OF EVERY KIND IN THE SPANISH
ZONE WILL BE APPROPRIATED FOR THE EXPENSES OF SAID ZONE.

ARTICLE 11.
THE SHEREEFIAN GOVERNMENT CANNOT BE CALLED UPON TO SHARE
IN ANY WAY THE EXPENSES OF THE SPANISH ZONE.

ARTICLE 12.
THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN WILL NOT

IMPAIR THE RIGHTS, PREROGATIVES OR PRIVILEGES OF THE
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HOLDERS OF BONDS FOR THE LOANS OF 1904 AND 1910 IN ITS
ZONE OF INFLUENCE.
WITH THE VIEW OF PUTTING THE EXERCISE OF THESE RIGHTS IN
HARMONY WITH THE NEW SITUATION, THE GOVERNMENT OF THE
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REPUBLIC WILL USE ITS INFLUENCE WITH THE REPRESENTATIVE
OF THE HOLDERS, SO THAT THE OPERATION OF THE GUARANTEES
IN THE SAID ZONE WILL BE IN ACCORD WITH THE FOLLOWING
PROVISIONS:

THE SPANISH ZONE OF INFLUENCE WILL CONTRIBUTE TO THE
EXPENSES OF THE LOANS OF 1904 AND 1910 IN THE RATIO WHICH
THE RECEIPTS OF THE PORTS OF THE SAID ZONE, AFTER DEDUCT-
ING THE 500,000 P. H. WHICH WILL BE REFERRED TO FURTHER
ON, BEAR TO THE CUSTOMS RECEIPTS OF ALL THE PORTS WHICH
ARE OPEN TO COMMERCE.

THIS CONTRIBUTION IS PROVISIONALLY FIXED AT 7.95 PER CENT,
WHICH FIGURE IS BASED UPON THE RECEIPTS FOR THE YEAR
1911. IT WILL BE SUBJECT TO REVISION EVERY YEAR UPON
REQUEST BY ONE OR THE OTHER OF THE PARTIES. THE REVISION
PROVIDED FOR MUST TAKE PLACE BEFORE THE 15TH OF MAY
FOLLOWING THE FISCAL PERIOD WHICH IS TO BE THE BASIS.
ITS RESULTS WILL BE TAKEN INTO ACCOUNT IN THE PAYMENT TO
BE MADE BY THE SPANISH GOVERNMENT ON THE 1ST OF JUNE,
AS HEREINAFTER SPECIFIED.

THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN WILL, ON
THE FIRST OF MARCH OF EACH YEAR FOR THE LOAN OF 1910,
AND ON THE 1ST OF JUNE FOR THE LOAN OF 1904, PLACE IN THE
HANDS OF THE REPRESENTATIVE OF THE HOLDERS OF THE BONDS
FOR THESE TWO LOANS THE AMOUNT OF THE ANNUITIES FIXED BY
THE PRECEDING PARAGRAPH. CONSEQUENTLY DIRECT COLLECTION
ON ACCOUNT OF THE LOANS WILL BE SUSPENDED IN THE SPANISH
ZONE BY THE APPLICATION OF ARTICLE 20 OF THE CONTRACT OF
JUNE 12, 1904, AND ARTICLE 19 OF THE CONTRACT OF MAY 17,
1910.

THE CONTROL OF THE HOLDERS AND THE RIGHTS PERTAINING
THERE TO, THE EXERCISE OF WHICH SHALL HAVE BEEN SUSPENDED
BY REASON OF THE PAYMENTS MADE BY THE SPANISH GOVERNMENT,
WILL BE RESTORED TO THEIR PRESENT STATUS, IN CASE THE
REPRESENTATIVES OF THE HOLDERS SHOULD HAVE TO RESUME
DIRECT COLLECTION IN CONFORMITY WITH THE CONTRACTS.
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ARTICLE 13.
ON THE OTHER HAND, THE FRENCH AND SPANISH ZONES MUST BE
ASSURED OF THE REVENUE COMING TO THEM FROM IMPORT CUSTOMS
DUTIES.

THE TWO GOVERNMENTS ARFCE:

1. THAT, THE CUSTOMS RECEIPTS WHICH EACH OF THE TWO ZONAL ADMINISTRATIONS SHALL COLLECT UPON PRODUCTS PASSING THROUGH ITS CUSTOM HOUSES BUT INTENDED FOR THE OTHER ZONE HAVING BEEN BALANCED, THE FRENCH ZONE SHALL RECEIVE A TOTAL SUM OF 500,000 PESETAS HASSANI, MADE UP AS FOLLOWS:

(A) A CONTRACT SUM OF 300,000 PESETAS HASSANI FROM THE RECEIPTS OF THE WESTERN PORTS.

(B) A SUM OF 200,000 PESETAS HASSANI FROM THE RECEIPTS OF THE MEDITERRANEAN COAST, SUBJECT TO REVISION WHEN THE OPERATION OF THE RAILROADS MAKES AN ACCURATE CALCULATION POSSIBLE. THIS POSSIBLE REVISION MAY BE SUPPLIED TO PAYMENTS PREVIOUSLY MADE IF THEIR AMOUNT WAS GREATER THAN THAT OF THE PAYMENTS TO BE MADE IN FUTURE. HOWEVER, THE PRINCIPAL ONLY WILL BE REFUNDED, AND NO INTEREST WILL BE ALLOWED.

IF THE REVISION THUS EFFECTED CAUSES A REDUCTION IN THE FRENCH RECEIPTS FROM THE CUSTOMS DUTIES OF THE MEDITERRANEAN PORTS, IT WILL INVOLVE IPSO

FACTO A REVIVAL OF THE SPANISH CONTRIBUTION TO THE EXPENSES OF THE ABOVE-MENTIONED LOANS.

2. THAT THE CUSTOMS RECEIPTS COLLECTED BY THE OFFICE AT TANGIER SHALL BE DIVIDED PRO RATA BETWEEN THE INTERNATIONALIZED ZONE AND THE OTHER TWO ZONES ACCORDING TO THE FINAL DESTINATION OF THE MERCHANDISE. UNTIL THE OPERATION OF THE RAILROADS PERMITS AN ACCURATE DIVISION OF THE SUMS DUE TO THE FRENCH AND THE SPANISH ZONES, THE CUSTOMS HOUSE WILL DEPOSIT IN THE STATE BANK THE SURPLUS OF THESE RECEIPTS, PAYMENT MADE ON THE PART OF TANGIER.

THE CUSTOMS DEPARTMENTS OF THE TWO ZONES WILL AGREE, THROUGH REPRESENTATIVES WHO WILL MEET PERIODICALLY AT UNCLASSIFIED

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TANGIER, UPON PROPER MEASURES TO INSURE A UNIFORMITY OF TARIFFS. THESE DELEGATES WILL COMMUNICATE TO EACH OTHER FOR ALL USEFUL PURPOSES ANY INFORMATION WHICH THEY MAY HAVE GATHERED ABOUT SMUGGLING OR POSSIBLE IRREGULAR TRANSACTIONS IN THE CUSTOMS OFFICES.

THE TWO GOVERNMENTS WILL PUT INTO EFFECT ON MARCH 1, 1913 THE MEASURES CONTAINED IN THIS ARTICLE.

ARTICLE 14. THE SECURITY IN THE SPANISH ZONE GIVEN TO FRENCH CREDITORS BY VIRTUE OF THE FRANCO-MOROCCAN AGREEMENT OF MARCH 21, 1910, WILL BE TRANSFERRED FOR THE BENEFIT OF SPANISH CREDITORS, AND RECIPROCALLY THE SECURITY IN THE FRENCH ZONE GIVEN TO SPANISH CREDITORS,

BY VIRTUE OF THE SPANISH-MOROCCAN TREATY OF NOVEMBER 16, 1910, WILL BE TRANSFERRED FOR THE BENEFIT OF FRENCH CREDITORS. WITH A VIEW TO RESERVING TO EACH ZONE THE AMOUNT OF THE MINING ROYALTIES WHICH SHOULD NATURALLY COME TO IT, IT IS UNDERSTOOD THAT ROYALTIES PROPORTIONAL TO THE OUTPUT WILL BELONG TO THE ZONE WHERE THE MINE IS SITUATED, EVEN WHEN THEY ARE COLLECTED BY A CUSTOMS OFFICE OF THE OTHER ZONE WHERE THE MATERIAL IS TAKEN OUT.

ARTICLE 15. AS TO THE ADVANCES MADE BY THE STATE BANK UPON THE 5 PERCENT OF THE CUSTOMS OFFICES, IT APPEARS EQUITABLE THAT THE TWO ZONES SHALL ASSUME NOT ONLY THE REIMBURSEMENT OF THE SAID ADVANCES, BUT IN A GENERAL WAY THE COST OF THE LIQUIDATION OF THE PRESENT DEBT OF THE MAGHZEN.

IN CASE THIS LIQUIDATION IS EFFECTED BY MEANS OF A LONG OR A SHORT TERM LOAN, EACH OF THE TWO ZONES WILL CONTRIBUTE TO THE PAYMENT OF THE ANNUITIES ON THIS LOAN (INTEREST AND REDUCTION OF PRINCIPAL) IN THE SAME RATIO AS THAT FIXED FOR THE DIVISION BETWEEN THE TWO ZONES OF

THE LOANS OF 1904 AND 1910.

THE RATE OF INTEREST, THE PERIODS FOR REDUCTION OF PRINCIPAL AND FOR CONVERSION, THE CONDITIONS OF THE ISSUE, AND, IF THERE IS OCCASION FOR IT, THE GUARANTEES OF THE UNCLASSIFIED

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LOAN WILL BE DETERMINED AFTER AN UNDERSTANDING IS REACHED BY THE TWO GOVERNMENTS.

DEBTS CONTRACTED AFTER THE SIGNING OF THIS AGREEMENT WILL NOT BE INCLUDED IN THIS LIQUIDATION.

THE TOTAL AMOUNT OF THE DEBT TO BE LIQUIDATED COMPRISES ESPECIALLY:

1. THE ADVANCES OF THE STATE BANK SECURED BY THE 5 PERCENT OF THE INCOME FROM CUSTOMS;

2. THE DEBTS LIQUIDATED BY THE COMMISSION APPOINTED BY VIRTUE OF THE REGULATION OF THE DIPLOMATIC CORPS OF TANGIER, DATED MAY 29, 1910. THE TWO GOVERNMENTS RESERVE THE RIGHT TO EXAMINE CONJOINTLY DEBTS OTHER THAN THOSE PROVIDED FOR ABOVE UNDER NUMBERS 1 AND 2, AND TO VERIFY THEIR LEGALITY, AND, IN CASE THE TOTAL OF THE DEBTS APPRECIABLY EXCEEDS THE SUM OF 25,000,000 FRANCS, TO INCLUDE THEM OR NOT IN THE LIQUIDATION PROVIDED FOR.

ARTICLE 16. SINCE THE ADMINISTRATIVE AUTONOMY OF THE FRENCH AND SPANISH ZONES OF INFLUENCE IN THE SHEREEFIAN

EMPIRE CANNOT IMPAIR THE RIGHTS, PREROGATIVES AND PRIVILEGES GRANTED BY THE MOROCCAN GOVERNMENT, IN CONFORMITY WITH THE ACT OF ALGECIRAS, TO THE STATE BANK OF MOROCCO, FOR THE ENTIRE TERRITORY OF THE EMPIRE, THE STATE BANK OF MOROCCO WILL CONTINUE TO ENJOY IN EACH OF THE TWO ZONES ALL THE RIGHTS WHICH IT POSSESSES FROM THE ACTS WHICH GOVERN IT, WITHOUT DIMINUTION OR RESERVATION. THE AUTONOMY OF THE TWO ZONES CANNOT INTERFERE WITH ITS ACTIVITY, AND THE TWO GOVERNMENTS SHALL FACILITATE THE FREE AND COMPLETE EXERCISE BY THE STATE BANK OF ITS RIGHTS.

THE STATE BANK OF MOROCCO MAY, WITH THE CONSENT OF THE TWO INTERESTED POWERS, MODIFY THE CONDITIONS OF ITS OPERATION WITH A VIEW TO HARMONIZING THEM WITH THE TERRITORIAL ORGANIZATION OF EACH ZONE.

THE TWO GOVERNMENTS WILL RECOMMEND THAT THE STATE BANK CONSIDER A MODIFICATION OF ITS STATUTES WHICH WILL PERMIT:
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1. THE APPOINTMENT OF A SECOND MOROCCAN HIGH COMMISSIONER, WHO SHALL BE DESIGNATED BY THE ADMINISTRATION OF THE

SPANISH ZONE OF INFLUENCE AFTER AN UNDERSTANDING WITH THE ADMINISTRATIVE COUNCIL OF THE BANK;

2. THE CONFERRING UPON THIS SECOND HIGH COMMISSIONER OF DUTIES AS NEARLY AS POSSIBLE IDENTICAL WITH THOSE OF THE PRESENT HIGH COMMISSIONER, IN ORDER TO SAFEGUARD THE LEGITIMATE INTERESTS OF THE ADMINISTRATION OF THE ZONE WITHOUT IMPAIRING THE NORMAL OPERATION OF THE BANK.

ALL NECESSARY STEPS WILL BE TAKEN BY THE TWO GOVERNMENTS FOR THE REGULAR REVISION, IN THE SENSE INDICATED ABOVE, OF THE STATUTES OF THE STATE BANK AND THE REGULATION OF ITS RELATIONS WITH THE MOROCCAN GOVERNMENT.

IN ORDER TO DETERMINE AND COMPLETE THE UNDERSTANDING BETWEEN THE TWO GOVERNMENTS AS STATED IN THE LETTER OF FEBRUARY 23, 1907 FROM THE MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC TO THE AMBASSADOR OF HIS MAJESTY THE KING OF SPAIN AT PARIS, THE FRENCH GOVERNMENT BINDS ITSELF, IN SO FAR AS THE SPANISH ZONE IS CONCERNED, WITH THE RESERVATION OF THE RIGHTS OF THE BANK:

1. TO SUPPORT NO CANDIDATE TO THE STATE BANK;

2. TO INFORM THE BANK OF ITS DESIRE TO SEE CANDIDATES OF SPANISH NATIONALITY TAKEN INTO CONSIDERATION FOR POSITIONS IN THE SAID ZONE.

RECIPROCALLY, THE SPANISH GOVERNMENT BINDS ITSELF, IN SO

FAR AS CONCERNS THE FRENCH ZONE, WITH THE RESERVATION OF
THE RIGHTS OF THE BANK:

1. TO SUPPORT NO CANDIDATE TO THE STATE BANK;
 2. TO INFORM THE BANK OF ITS DESIRE TO SEE CANDIDATES OF
FRENCH NATIONALITY TAKEN INTO CONSIDERATION FOR POSITIONS
IN THE SAID ZONE.
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IN SO FAR AS CONCERNS:

1. THE SHARES OF THE BANK WHICH MAY BELONG TO THE MAGHZEN;
2. THE PROFITS COMING TO THE MAGHZEN IN THE COINAGE AND
RECOINAGE OF MONEY, AS WELL AS IN ALL OTHER MONETARY
OPERATIONS (ARTICLE 37 OF THE ACT OF ALGECIRAS), IT IS
UNDERSTOOD THAT A PROPORTION CALCULATED UPON THE SAME BASIS
OF PERCENTAGE AS THE ROYALTIES AND PROFITS OF THE TOBACCO
MONOPOLY WILL BE ALLOTTED TO THE ADMINISTRATION OF THE

SPANISH ZONE.

ARTICLE 17. SINCE THE ADMINISTRATIVE AUTONOMY OF THE
FRENCH AND SPANISH ZONES OF INFLUENCE IN THE SHEREEFIAN
EMPIRE CANNOT IMPAIR THE RIGHTS, PREROGATIVES AND
PRIVILEGES GRANTED BY THE MOROCCAN GOVERNMENT, IN CON-
FORMITY WITH THE GENERAL ACT OF ALGECIRAS, FOR THE WHOLE
TERRITORY OF THE EMPIRE, TO THE INTERNATIONAL
SOCIETY FOR CO-OPERATIVE MANAGEMENT OF THE TOBACCO TRADE
(SOCIETE INTERNATIONALE DE REGIE CO-INTERESSE DES TABACS)
IN MOROCCO, THE SAID SOCIETY SHALL CONTINUE TO ENJOY IN
EACH OF THE TWO ZONES ALL THE RIGHTS WHICH IT POSSESSES
UNDER THE ACTS WHICH GOVERN IT, WITHOUT DIMINUTION OR
RESERVE. THE AUTONOMY OF THE TWO ZONES MAY NOT INTERFERE
WITH ITS OPERATION AND THE TWO GOVERNMENTS SHALL FACILITATE
THE FREE AND COMPLETE EXERCISE OF ITS RIGHTS.

THE PRESENT CONDITIONS OF THE WORKING OF THE MONOPOLY,
PARTICULARLY THE SALE TARIFF, MAY BE MODIFIED ONLY UPON
AGREEMENT OF THE TWO GOVERNMENTS.

THE FRENCH GOVERNMENT WILL NOT OBJECT TO THE ROYAL GOVERN-
MENT'S CONSULTING WITH THE MANAGEMENT (REGIE), EITHER WITH
THE VIEW OF OBTAINING FROM THAT SOCIETY THE RETROCESSION
TO THIRD PARTIES OF ITS RIGHTS AND PRIVILEGES IN THEIR
ENTIRETY, OR WITH THE VIEW OF BUYING IN AMICABLY, BY
ANTICIPATION, THE SAID RIGHTS AND PRIVILEGES. IN CASE THE
SPANISH GOVERNMENT, IN CONSEQUENCE OF THE ANTICIPATED
PURCHASE, SHOULD DESIRE TO MODIFY THE GENERAL CONDITIONS

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OF THE OPERATION OF THE MONOPOLY IN ITS ZONE, FOR EXAMPLE, IF IT WISHED TO REDUCE THE SALE PRICE, THE TWO GOVERNMENTS MUST COME TO AN AGREEMENT SOLELY FOR THE PURPOSE OF SAFEGUARDING THE INTERESTS OF THE FRENCH ZONE OF INFLUENCE.

THE PRECEDING STIPULATIONS SHALL APPLY RECIPROCALLY, IN CASE THE FRENCH GOVERNMENT SHOULD DESIRE TO AVAIL ITSELF OF THE PRIVILEGES GRANTED ABOVE TO THE SPANISH GOVERNMENT.

SINCE THE MANAGEMENT (REGIE) MAY OBJECT TO A PARTIAL PURCHASE, THE TWO GOVERNMENTS NOW BIND THEMSELVES TO PUT INTO OPERATION IN BOTH ZONES AS SOON AS POSSIBLE, THAT IS TO SAY ON THE FIRST OF JANUARY, 1933, SO ADVISING THE MANAGEMENT (REGIE) BEFORE JANUARY 1, 1931, THE RIGHT OF PURCHASE PROVIDED FOR IN ARTICLE 24 OF THE STIPULATIONS. FROM JANUARY 1, 1933, EACH OF THE TWO ZONES SHALL BECOME FREE TO ESTABLISH ACCORDING TO ITS NEEDS THE IMPOSTS WHICH ARE THE OBJECT OF THE MONOPOLY.

THE TWO GOVERNMENTS SHALL COME TO AN AGREEMENT FOR THE PURPOSE OF OBTAINING (OBSERVING THE STIPULATIONS):

(A) THE CREATION OF A SECOND COMMISSIONER APPOINTED ON BEHALF OF THE SPANISH ZONE OF INFLUENCE;

(B) THE DETERMINATION OF THE POWERS WHICH THIS SECOND COMMISSIONER WOULD REQUIRE IN ORDER TO SAFEGUARD THE LEGITIMATE INTERESTS OF THE ADMINISTRATION OF THE SPANISH ZONE, WITHOUT IMPAIRING THE OPERATION OF THE MANAGEMENT (REGIE).

(C) THE EQUAL DIVISION BETWEEN THE TWO COMMISSIONERS OF THE SUM OF 5000 MAGHZENIS RIALS, IN SILVER, ANNUALLY PAID BY THE MANAGEMENT (REGIE) FOR THE SALARY OF THE COMMISSIONER.

IN ORDER TO MAINTAIN DURING THE LIFE OF THE MONOPOLY THE SAME TARIFF OF SELLING PRICES IN THE TWO ZONES, THE TWO GOVERNMENTS BIND THEMSELVES NOT TO SUBJECT THE MANAGEMENT (REGIE) OR ITS ASSIGNS TO NEW IMPOSTS WITHOUT UNCLASSIFIED

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PREVIOUSLY COMING TO AN AGREEMENT.

THE AMOUNT OF THE FINES IMPOSED UPON THE MANAGEMENT (REGIE) FOR THE NONEXECUTION OF THE STIPULATIONS OR THEIR VIOLATION (ARTICLE 31 OF THE STIPULATIONS) WILL BE ALLOTTED TO THE TREASURY OF THE ZONE IN WHICH THE INFRINGEMENTS OR VIOLATIONS MAY BE COMMITTED.

THE FIXED ANNUAL ROYALTY AND THE PROFITS (ARTICLES 20 TO 23 OF THE STIPULATIONS) WILL BE DIVIDED ON THE BASIS OF A PERCENTAGE DETERMINED BY THE CONSUMPTION OF THE SPANISH ZONE IN COMPARISON WITH THE TOTAL CONSUMPTION OF THE EMPIRE. THIS CONSUMPTION WILL BE ESTIMATED ACCORDING TO THE CUSTOMS RECEIPTS WHICH ACTUALLY REMAIN IN THE HANDS OF THE ADMINISTRATION OF THE SPANISH ZONE, TAKING INTO ACCOUNT THE TRANSFER PROVIDED BY ARTICLE 13 ABOVE.

ARTICLE 18. IN SO FAR AS THE COMMITTEE ON CUSTOMS RECEIPTS IS CONCERNED, THE SPECIAL COMMITTEE OF PUBLIC WORKS AND THE GENERAL COMMITTEE OF ADJUDICATION, WHILE THESE COMMITTEES REMAIN IN FORCE, THE APPOINTMENT OF ONE SHEREEFIAN DELEGATE TO EACH ONE OF THESE THREE COMMITTEES WILL BE RESERVED TO THE CALIPH.

THE TWO GOVERNMENTS AGREE TO RESERVE TO EACH ZONE AND TO APPLY TO ITS PUBLIC WORKS THE AMOUNT OF THE SPECIAL TAX LEVIED IN ITS PORTS BY VIRTUE OF ARTICLE 66 OF THE ACT OF ALGECIRAS.

THE RESPECTIVE SERVICES ARE AUTONOMOUS. ON CONDITION OF RECIPROCITY, THE DELEGATES OF THE ADMINISTRATION OF THE FRENCH ZONE WILL VOTE WITH THE DELEGATES OF THE CALIPH ON QUESTIONS CONCERNING THE SPANISH ZONE, ESPECIALLY QUESTIONS CONCERNING THE DETERMINATION OF THE WORK TO BE PERFORMED WITH THE FUNDS FROM THE SPECIAL TAX, THE PERFORMANCE OF THAT WORK, AND THE APPOINTMENT OF THE PERSONNEL WHICH SUCH PERFORMANCE REQUIRES.

ARTICLE 19. THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF HIS CATHOLIC MAJESTY WILL CONSULT WITH UNCLASSIFIED

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EACH OTHER AS TO:

1. ALL FUTURE MODIFICATIONS OF CUSTOMS DUTIES;
2. MAKING UNIFORM POSTAL AND TELEGRAPH TARIFFS IN THE INTERIOR OF THE EMPIRE.

ARTICLE 20. THE RAILROAD LINE FROM TANGIER TO FEZ WILL BE CONSTRUCTED AND OPERATED UNDER THE CONDITIONS SPECIFIED IN THE PROTOCOL ANNEXED TO THIS CONVENTION.

ARTICLE 21. THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF HIS CATHOLIC MAJESTY BIND THEMSELVES TO BRING ABOUT, IN CONJUNCTION WITH THE OTHER POWERS AND ON THE BASIS OF THE CONVENTION OF MADRID, A REVISION OF THE LISTS AND OF THE STATUS OF FOREIGN PROTEGES AND

AGRICULTURAL PARTNERS PROVIDED FOR BY ARTICLES 8 AND 16 OF THAT CONVENTION.

THEY LIKEWISE AGREE TO REQUEST THE SIGNATORY POWERS TO CONSENT TO SUCH MODIFICATION OF THE CONVENTION OF MADRID, WHEN THE TIME COMES, AS THE CHANGE IN THE GOVERNMENT OF THE PROTEGES AND AGRICULTURE PARTNERS WOULD REQUIRE, AND EVENTUALLY THE ABROGATION OF THAT PORTION OF THE SAID CONVENTION WHICH CONCERNS THE PROTEGES AND AGRICULTURAL PARTNERS.

ARTICLE 22. THE MOROCCAN SUBJECTS WHO ARE NATIVES OF THE SPANISH ZONE OF INFLUENCE WILL BE UNDER THE PROTECTION OF THE SPANISH DIPLOMATIC AND CONSULAR AGENTS IN FOREIGN COUNTRIES.

ARTICLE 23. IN ORDER TO AVOID AS MUCH AS POSSIBLE DIPLOMATIC CLAIMS, THE FRENCH AND SPANISH GOVERNMENTS WILL TAKE STEPS WITH THE SULTAN AND HIS CALIPH TO HAVE SUCH COMPLAINTS AS ARE BROUGHT BY FOREIGN RESIDENTS AGAINST THE MOROCCAN AUTHORITIES OR THOSE ACTING AS MOROCCAN AUTHORITIES, WHICH COMPLAINTS IT MAY HAVE BEEN IMPOSSIBLE

TO SETTLE THROUGH THE MEDIATION OF THE FRENCH OR SPANISH CONSUL AND THE CONSUL OF THE INTERESTED GOVERNMENT, RE-UNCLASSIFIED

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REFERRED TO AN ARBITRATOR AD HOC IN EACH CASE, WHO SHALL BE APPOINTED BY AGREEMENT BETWEEN THE CONSUL OF FRANCE OR SPAIN AND THE CONSUL OF THE INTERESTED GOVERNMENT OR, IN THEIR DEFAULT, BY THE TWO GOVERNMENTS OF THESE CONSULS.

ARTICLE 24. THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF HIS CATHOLIC MAJESTY RESERVE THE RIGHT TO ESTABLISH IN THEIR RESPECTIVE ZONES JUDICIAL ORGANIZATIONS IN ACCORDANCE WITH THEIR OWN SYSTEMS OF LEGISLATION. WHEN THESE ORGANIZATIONS ARE ESTABLISHED AND THE NATIONALS AND PROTEGES OF EACH COUNTRY ARE SUBJECTED, IN ITS ZONE, TO THE JURISDICTION OF THESE TRIBUNALS, THE GOVERNMENT OF THE FRENCH REPUBLIC IN THE SPANISH ZONE OF INFLUENCE, AND THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN IN THE FRENCH ZONE OF INFLUENCE, WILL LIKEWISE SUBJECT TO THIS LOCAL JURISDICTION THEIR RESPECTIVE NATIONALS AND PROTEGES.

AS LONG AS PARAGRAPH 3 OF ARTICLE 11 OF THE CONVENTION OF MADRID OF JUNE 3, 1880 REMAINS IN FORCE, THE POWER WHICH BELONGS TO THE MINISTER OF FOREIGN AFFAIRS OF HIS SHEREEFIAN MAJESTY TO TAKE COGNIZANCE OF QUESTIONS CONCERNING THE REAL PROPERTY OF FOREIGNERS ON APPEAL WILL BE A PART, IN SO FAR AS THE SPANISH ZONE IS CONCERNED, OF THE POWERS DELEGATED TO THE CALIPH.

ARTICLE 25. THE SIGNATOR POWERS BIND THEMSELVES TO CO-OPERATE TO THEIR UTMOST IN THEIR AFRICAN POSSESSIONS WITH THE MOROCCAN AUTHORITIES IN THE SUPERVISION AND SUPPRESSION OF SMUGGLING IN ARMS AND MUNITIONS OF WAR.

THIS SUPERVISION IN THE TERRITORIAL WATERS OF THE FRENCH AND SPANISH ZONES RESPECTIVELY WILL BE PERFORMED BY FORCES ORGANIZED BY THE LOCAL AUTHORITY OR BY FORCES OF THE GOVERNMENT PROTECTING SAID ZONE.

THE TWO GOVERNMENTS WILL CONSULT WITH EACH OTHER FOR THE PURPOSE OF MAKING UNIFORM THE REGULATIONS GOVERNING THE RIGHT OF SEARCH.

ARTICLE 26. INTERNATIONAL AGREEMENTS CONCLUDED IN FUTURE
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BY HIS SHEREEFIAN MAJESTY WILL NOT EXTEND TO THE SPANISH ZONE OF INFLUENCE EXCEPT WITH THE PREVIOUS CONSENT OF THE GOVERNMENT OF HIS MAJESTY THE KING OF SPAIN.

ARTICLE 27. THE CONVENTION OF FEBRUARY 25, 1904, RENEWED ON FEBRUARY 3, 1909, AS WELL AS THE GENERAL CONVENTION OF THE HAGUE OF OCTOBER 18, 1907, WILL APPLY TO DIFFERENCES WHICH MAY ARISE BETWEEN THE CONTRACTING PARTIES CONCERNING THE INTERPRETATION AND THE APPLICATION OF THE PROVISIONS OF THE PRESENT CONVENTION, WHICH MAY NOT HAVE BEEN SETTLED THROUGH DIPLOMATIC CHANNELS. A COMPROMISE MUST BE DRAWN UP ACCORDING TO THE RULES OF THE SAID CONVENTIONS, UNLESS IT IS DISPENSED WITH BY EXPRESS AGREEMENT AT THE TIME OF THE LITIGATION.

ARTICLE 28. ALL CLAUSES OF TREATIES, CONVENTIONS AND FORMER AGREEMENTS WHICH MAY CONFLICT WITH THE PRECEDING STIPULATIONS ARE ABROGATED.

ARTICLE 29. THE PRESENT CONVENTION WILL BE COMMUNICATED TO THE GOVERNMENTS WHICH WERE SIGNATORY TO THE GENERAL ACT OF THE INTERNATIONAL CONFERENCE OF ALGECIRAS.

PROTOCOL BETWEEN FRANCE AND SPAIN CONCERNING THE TANGIER-FEZ RAILWAY

ARTICLE 1. AFTER A PERIOD OF THREE MONTHS, RECKONED FROM THE DATE OF SIGNATURE OF THE PRESENT CONVENTION - IT BEING, MOREOVER, UNDERSTOOD THAT IT IS ONLY AFTER THE RATIFICATION OF SAME THAT THE CONCESSION DEFINED BY ARTICLE 2 AND THE FOLLOWING SHALL BE ACTED UPON - THE TWO GOVERNMENTS OF FRANCE AND SPAIN SHALL DETERMINE, IN THEIR RESPECTIVE ZONES, THE GENERAL DIRECTION OF THE LINE AND ITS PRINCIPAL STATIONS.

AFTER THE SAME PERIOD, THEY SHALL DETERMINE, BY MUTUAL AGREEMENT, ON THE ONE HAND, THE POINT WHERE THE SAID LINE SHALL CROSS THE NORTHERN AND SOUTHERN BOUNDARIES OF THE SPANISH ZONE, AND, ON THE OTHER, AFTER CONSULTATION WITH THE TANGIERINE AUTHORITIES QUALIFIED FOR THAT PURPOSE, THE DIRECTION OF THE SECTION COMPRISED BETWEEN THE UNCLASSIFIED

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NORTHERN BOUNDARY OF THE SPANISH ZONE AND TANGIER.

ARTICLE 2. THE ENTIRE LINE SHALL BE CONCEDED TO A SINGLE COMPANY, WHICH SHALL BE ENTRUSTED WITH THE DEFINITIVE SURVEYS, THE CONSTRUCTION AND OPERATION OF THE LINE.

THE CONCESSION SHALL BE GRANTED, TO WIT:

FOR THE SECTION SITUATED IN THE FRENCH ZONE, BY THE SULTAN, UNDER THE AUTHORITY AND WITH THE GUARANTEE OF FRANCE;

FOR THE SECTION SITUATED IN THE SPANISH ZONE, BY THE CALIPH, UNDER THE AUTHORITY AND WITH THE GUARANTEE OF SPAIN;

AND FINALLY, FOR THE SECTION COMPRISED BETWEEN THE NORTHERN BOUNDARY OF THE SPANISH ZONE AND TANGIER, BY THE AUTHORITIES QUALIFIED FOR THAT PURPOSE AND UNDER THE GUARANTEE OF THOSE AUTHORITIES.

HOWEVER, IN CASE THE AFORESAID AUTHORITIES SHOULD NOT BE DEFINITELY CONSTITUTED AT THE TIME WHEN THE FRENCH AND SPANISH CONCESSIONS MAY BE GRANTED, THE TWO CONTRACTING GOVERNMENTS AGREE THAT THE CONCESSION OF THE TANGIER-AND-VICINITY SECTION SHALL BE GRANTED BY THE SULTAN, UNDER THEIR JOINT GUARANTEE, AND AFTER AN UNDERSTANDING BETWEEN THE TWO CABINETS, THOUGH IT SHALL BE, WITH ALL THE RIGHTS AND OBLIGATIONS WHICH IT CARRIES, AFTERWARDS PASSED UPON BY THE TANGIERINE AUTHORITY.

ARTICLE 3. THE AFORESAID COMPANY SHALL NOT BE A CONCESSIONARY OF ANY OTHER LINE, WHETHER IT BE COMPLETELY INDEPENDENT OF THE PRECEDING OR CONNECTING WITH IT, EXCEPTION BEING MADE, HOWEVER, IN THE CASE OF QUAY TRACKS

FOR THE PURPOSE OF CLEARING THE PORT OF TANGIER.

HOWEVER, IT MAY NOT REFUSE PERMISSION TO ENTER INTO ITS STATIONS TO LINES WHOSE ESTABLISHMENT MAY BE DETERMINED UPON BY ONE OF THE OTHER OF THE TWO GOVERNMENTS, NOR REFUSE TO GIVE THEM THE SAME SERVICE AS TO ITSELF IN THE UNCLASSIFIED

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SAID STATIONS, WHETHER THESE LINES BE CONSTRUCTED AND OPERATED DIRECTLY BY THE TWO GOVERNMENTS, OR BE CONCEDED BY THEM TO OTHER COMPANIES. IT SHALL BE UNDER THE SAME OBLIGATIONS WITH RESPECT TO PRIVATE BRANCH ROADS AUTHORIZED BY FRANCE OR SPAIN FOR THE BENEFIT OF EITHER THEIR OWN OR FOREIGN NATIONALS, IN CONFORMITY WITH ARTICLE 7 OF THE FRANCO-GERMAN TREATY OF NOVEMBER 4, 1911.

IT IS UNDERSTOOD, MOREOVER, THAT THE STATES, COMPANIES, OR PRIVATE PARTIES INTERESTED SHALL BEAR THE EXPENSE OF SUCH NEW INSTALLATIONS AS ARE THUS MADE NECESSARY, AND THE ADDITIONAL COST OF OPERATING THE LINES AND BRANCH LINES SPECIFIED ABOVE.

ARTICLE 4. THE CAPITAL, BOTH STOCKS AND BONDS, OF THE CONCESSIONARY COMPANY SHALL BE 60 FRENCH AND 40 SPANISH.

HOWEVER, FRANCE AND SPAIN RESERVE THE RIGHT TO GIVE, BY MUTUAL AGREEMENT, IF THERE IS ANY REASON FOR SO DOING, A SHARE OF FOREIGN CAPITAL, IT BEING HEREBY SPECIFIED THAT THIS SHARE SHALL IN ANY CASE EXCEED 8, AND THAT HALF OF IT SHALL BE DEDUCTED FROM THE 60 AND HALF FROM THE 40 ABOVE MENTIONED.

EACH OF THE TWO GOVERNMENTS RESERVES THE RIGHT TO CHOOSE SUCH ESTABLISHMENT OR LOAN SOCIETY, OR SUCH GROUP OF ESTABLISHMENTS OR LOAN SOCIETIES OF ITS OWN NATIONALITY, AS IT SHALL JUDGE PROPER, TO RAISE AND TO SUBSCRIBE THAT PART OF THE CAPITAL RESERVED TO IT.

IF EITHER OF THEM SHOULD NOT BELIEVE ITSELF BOUND TO RAISE ITS FULL SHARE, THE OTHER SHALL, OF FULL RIGHT, ASSUME THE RESPONSIBILITY OF COMPLETING IT.

ARTICLE 5. THE BOARD OF DIRECTORS OF THE CONCESSIONARY COMPANY SHALL BE COMPOSED OF FIFTEEN MEMBERS, NINE FRENCH AND SIX SPANISH, APPOINTED RESPECTIVELY BY THE FRENCH AND SPANISH STOCK-HOLDERS.

TO THESE FIFTEEN MEMBERS THERE MAY BE ADDED, IF BY MUTUAL UNCLASSIFIED

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AGREEMENT IT IS CONSIDERED EXPEDIENT, A SIXTEENTH MEMBER OF A THIRD NATIONALITY.

A TWO-THIRDS MAJORITY OF THE VOTES CAST BY THE BOARD OF DIRECTORS SHALL BE NECESSARY IN DECIDING QUESTIONS WHICH CONCERN EXCLUSIVELY EITHER THE FRENCH OR SPANISH SECTIONS; IN DECIDING ALL OTHER QUESTIONS A SIMPLE MAJORITY SHALL

SUFFICE.

THE COMPANY SHALL HAVE A FRENCH DIRECTOR-GENERAL AND A SPANISH ASSISTANT DIRECTOR. THE OFFICIALS, BOTH FOR THE CONSTRUCTION AND OPERATION, SHALL BE 60 FRENCH AND 40 SPANISH. THE APPOINTMENT OF THE DIRECTOR-GENERAL AND THE FRENCH OFFICIALS SHALL BE SUBJECT TO THE APPROVAL OF FRANCE; THAT OF THE ASSISTANT DIRECTOR AND THE SPANISH OFFICIALS TO THE APPROVAL OF SPAIN.

BESIDES THE DIRECTOR-GENERAL, ASSISTANT DIRECTOR AND OFFICIALS ABOVE MENTIONED, THE AGENTS EMPLOYED IN THE SURVEYING AND CONSTRUCTION SHALL BE, AS FAR AS POSSIBLE, FRENCH IN THE FRENCH SECTION AND SPANISH IN THE SPANISH SECTION. AS TO THE AGENTS IN CHARGE OF THE OPERATION, THEY SHALL BE EXCLUSIVELY FRENCH IN THE FRENCH SECTION, EXCLUSIVELY SPANISH IN THE SPANISH SECTION, AND HALF OF THEM FRENCH AND HALF OF THEM SPANISH IN THE TANGIER-AND-VICINITY SECTION. HOWEVER, IN THIS LAST SECTION, AND ESPECIALLY AT THE TERMINUS AT TANGIER, A CERTAIN NUMBER OF THE POSITIONS SHALL BE INTRUSTED TO AGENTS OF A THIRD NATIONALITY, THOSE REMAINING TO BE DIVIDED BETWEEN FRANCE AND SPAIN, HALF TO EACH.

ARTICLE 6. THE SURVEYS OF THE LINE, PREVIOUSLY DIVIDED INTO SECTIONS 20 TO 30 KILOMETERS LONG, SHALL BE UNDERTAKEN SIMULTANEOUSLY AT THE TANGIER AND FEZ EXTREMITIES, AND PUSHED WITH EQUAL ACTIVITY AT BOTH ENDS.

THE PLANS OF THE DIFFERENT SECTIONS SHALL BE PRESENTED BY THE COMPANY AS SOON AS COMPLETED; THE ACT OF CONCESSION SHALL FIX THE DATES FOR THESE SUCCESSIVE PRESENTATIONS AND SHALL PROVIDE FOR EACH OF THEM A PREMIUM FOR EACH DAY AHEAD OF TIME AND A PENALTY FOR EACH DAY LATE; THESE

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PREMIUMS AND PENALTIES BEING THE SAME FOR ALL THE SECTIONS, WITH THE EXCEPTION OF THE LAST, FOR WHICH THEY SHALL BE DOUBLED.

ARTICLE 7. THE PLANS SHALL BE APPROVED:

FOR THE FRENCH SECTION, BY THE FRENCH GOVERNMENT;

FOR THE SPANISH SECTION, BY THE SPANISH GOVERNMENT;

AND FOR THE TANGIER-AND-VICINITY SECTION, BY THE TANGIER-

INE AUTHORITY QUALIFIED FOR THAT PURPOSE;

IT BEING UNDERSTOOD; HOWEVER,

THAT THE PLANS OF THE FRENCH SECTION SHALL FIRST BE TRANSMITTED TO THE SPANISH GOVERNMENT AND THOSE OF THE SPANISH SECTION TO THE FRENCH GOVERNMENT, EACH OF THESE GOVERNMENTS TAKING SUCH ACCOUNT OF THE OBSERVATIONS MADE BY THE OTHER AS IT SHALL DEEM ADVISABLE. FAILURE TO RECEIVE A REPLY WITHIN FIFTEEN DAYS FROM THE DATE OF THE COMMUNICATION THUS MADE WILL BE REGARDED AS UNQUALIFIED CONCURRENCE;

THAT THE PLANS OF THE TANGIER-AND-VICINITY SECTION SHALL BE TRANSMITTED AT ONE AND THE SAME TIME TO THE FRENCH AND SPANISH GOVERNMENTS, AND THEY MAY BE APPROVED ONLY IF THESE TWO GOVERNMENTS CONCUR; FAILURE TO PROTEST WITHIN FIFTEEN DAYS BEING EQUIVALENT, IN THIS CASE ALSO, TO UNQUALIFIED ACCEPTANCE.

EACH OF THE TWO GOVERNMENTS AGREES TO PASS UPON EVERY PLAN SUBMITTED TO IT WITHIN A MAXIMUM PERIOD OF TWO MONTHS FROM THE DATE OF ITS PRESENTATION, EITHER APPROVING IT OR PRESCRIBING MODIFICATIONS AND AMENDMENTS WHICH IT MAY JUDGE EXPEDIENT. IN THE LATTER CASE, IT SHALL FIX THE LATEST DATE ON WHICH A MODIFIED AND AMENDED PLAN MUST BE PRESENTED, AND IT SHALL PASS UPON THE SAME WITHIN A MAXIMUM PERIOD OF ONE MONTH AFTER THIS NEW PRESENTATION.

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EACH OF THE PLANS ABOVE MENTIONED, AS SOON AS FINALLY APPROVED, SHALL BE AWARDED TO THE LOWEST BIDDER, FOR WHICH THE REGULATIONS SET FORTH IN ARTICLE 6, PARAGRAPHS 1 AND 2, OF THE FRANCO-GERMAN TREATY OF NOVEMBER 4, 1911, SHALL BE OBSERVED.

CONTRACTS FOR TRACKS, BRIDGES AND BUILDINGS AND ROLLING STOCK FOR EACH OF THE THREE SECTIONS OF THE LINE SHALL BE AWARDED IN THE SAME MANNER.

THE AWARDING OF CONTRACTS IN EACH OF THE THREE SECTIONS WILL BE CONDUCTED AND DECIDED UPON BY THE AUTHORITY THAT GRANTED THE CONCESSION.

ARTICLE 8. ON EACH OF THE THREE SECTIONS OF THE LINE, SEPARATE ANNUAL ACCOUNTS SHALL BE MADE OF THE ORIGINAL INSTALLATION, OF THE SUPPLEMENTARY WORK, AND, FINALLY, OF THE OPERATION. THE RULES TO BE FOLLOWED FOR THE DIVISION OF THE RECEIPTS AND EXPENDITURES BETWEEN THE THREE SECTIONS, AND IN EACH OF THEM, BETWEEN THE THREE

ACCOUNTS ABOVE MENTIONED, SHALL BE FIXED BY THE ACT OF CONCESSION.

THE ABOVE MENTIONED ACCOUNTS SHALL BE VERIFIED IN EACH

SECTION BY THE OFFICIALS IN CHARGE OF THE CONSTRUCTION AND OPERATION, BY VIRTUE OF ARTICLE 9 AND 10 BELOW. THEY SHALL NOT BE APPROVED, HOWEVER, UNTIL THEY HAVE BEEN COMMUNICATED TO THE OFFICIALS OF THE OTHER SECTIONS, WHO SHALL HAVE A PERIOD OF ONE MONTH WITHIN WHICH TO PRESENT, ON THEIR ACCOUNT, SUCH OBSERVATIONS AS THEY SHALL JUDGE USEFUL.

ARTICLE 9. THE CONSTRUCTION SHALL BE UNDER THE MANAGEMENT OF, ACCEPTANCE OF WORK SHALL BE PASSED UPON BY, AND PUTTING IT INTO SERVICE AUTHORIZED BY:

THE STATE ENGINEERS OF FRANCE AND SPAIN, IN THE FRENCH AND SPANISH SECTIONS, RESPECTIVELY;

THE SPECIAL TAX OFFICIALS, OR, IN CASE THIS SERVICE IS UNCLASSIFIED

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DISCONTINUED, THE OFFICIALS TO WHOM THEIR DUTIES ARE TRANSFERRED, IN THE TANGIER-AND-VICINITY SECTION.

ARTICLE 10. OPERATION SHALL BE ASSURED UPON THE ENTIRE LINE IN CONFORMITY WITH THE REGULATIONS ESTABLISHED BY ARTICLE 6, PARAGRAPH 3 OF THE FRANCO-GERMAN TREATY OF NOVEMBER 4, 1911.

IT SHALL BE POLICED ACCORDING TO THE LAWS AND REGULATIONS OF EACH STATE, BY THE FRENCH AND SPANISH GOVERNMENTS IN THEIR RESPECTIVE SECTIONS, AND BY THE AUTHORITY QUALIFIED FOR THIS PURPOSE IN THE TANGIER-AND-VICINITY SECTION.

EACH SECTION SHALL BE UNDER THE MANAGEMENT OF THE SAME OFFICIAL AS SUPERVISED THE CONSTRUCTION, IT BEING UNDERSTOOD THAT THE TANGIERINE MANAGEMENT SHALL, ESPECIALLY AT THE TERMINUS AT TANGIER, PRESCRIBE SUCH MEASURES AS SHALL BE CONSIDERED USEFUL TO THE PROPER WORKING OF THE LINE AS A WHOLE, AND SEE TO THEIR EXECUTION.

ARTICLE 11. THE FRENCH AND SPANISH GOVERNMENTS AND THE TANGIERINE AUTHORITY QUALIFIED FOR THIS PURPOSE, SHALL APPROVE RESPECTIVELY THE RATES APPLYING EXCLUSIVELY TO THE FRENCH, SPANISH AND TANGIER-AND-VICINITY SECTIONS; RATES WHICH APPLY TO TWO OR ALL THREE OF THE SECTIONS OF THE LINE SHALL BE APPROVED BY EACH OF THE INTERESTED ZONAL GOVERNMENTS.

ARTICLE 12. IN CASE THE CONCESSIONARY COMPANY, EITHER

DURING THE PERIOD OF CONSTRUCTION, OR AFTER THE BEGINNING OF ITS OPERATION, SHOULD FAIL TO FULFIL ANY ONE OF THE ESSENTIAL OBLIGATIONS OF ITS CONTRACT, A LEGAL DEMAND SHALL BE MADE UPON IT TO FULFIL THESE OBLIGATIONS WITHIN

A STATED PERIOD, WHICH SHALL NOT BE LESS THAN ONE MONTH OR MORE THAN THREE. IF IT FAIL TO COMPLY WITH THIS LEGAL DEMAND, ITS RIGHTS SHALL BE FORFEITED. THE LEGAL DEMAND MAY BE MADE AND THE FORFEITURE DECLARED BY THE FRENCH AND SPANISH GOVERNMENTS AS TO THAT SECTION OF THE LINE WHICH IS SITUATED IN ITS TERRITORY, WITH THE RESERVATION THAT EACH GIVE NOTICE OF SAME TO THE OTHER.

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IF FORFEITURE IS DECLARED AT ONE AND THE SAME TIME AS TO BOTH THE FRENCH AND SPANISH SECTIONS, IT SHALL INCLUDE IPSO FACTO AND OF FULL RIGHT THE TANGIER-AND-VICINITY SECTION.

ARTICLE 13. EACH OF THE TWO GOVERNMENTS (FRENCH AND SPANISH) RESERVES THE RIGHT TO PROCEED AT ANY TIME AFTER THE ENTIRE LINE HAS BEEN PUT INTO OPERATION TO THE REDEMPTION OF THE SECTION OF THE SAID LINE SITUATED IN ITS OWN TERRITORY, THE PRICE OF REDEMPTION BEING CALCULATED UPON THE BASIS WHICH SHALL BE FIXED BY THE ACT OF CONCESSION.

IN THIS CASE, IT SHALL, THREE MONTHS IN ADVANCE, GIVE NOTICE OF ITS INTENTIONS TO BOTH THE OTHER GOVERNMENT AND THE TANGIERINE AUTHORITY, SO THAT MEASURES APPLYING TO THE OPERATION OF BOTH THE REDEEMED AND UNREDEEMED SECTIONS OF THE LINE, THUS MADE DISTINCT, MAY BE DRAWN UP BY MUTUAL AGREEMENT.

WHICHEVER OF THE TWO GOVERNMENTS SHALL MAKE USE OF ITS RIGHT TO REDEEM, MUST EITHER ITSELF ASSUME THE MANAGEMENT OF THE REDEEMED SECTION, OR RECONVEY THE CONCESSION ONLY TO A COMPANY OF ITS OWN NATIONALITY.

ARTICLE 14. FRANCE AND SPAIN AGREE TO TAKE ALL NECESSARY STEPS IN ORDER THAT THE CONCESSION OF THE TANGIER-AND-VICINITY SECTION MAY BE EITHER GRANTED BY THE TANGIERINE AUTHORITY AT THE SAME TIME AS THE FRENCH AND SPANISH CONCESSIONS, IF THE SAID AUTHORITY IS, AT THAT TIME, CONSTITUTED; OR ACCEPTED BY THAT AUTHORITY IMMEDIATELY AFTER IT IS CONSTITUTED, IF IN THE MEANTIME THE CONCESSION SHALL HAVE BEEN GRANTED BY THE TWO GOVERNMENTS IN CONFORMITY WITH THE LAST PARAGRAPH OF ARTICLE 2.

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